App F IX 4

1935 36
(Mel)

File No 157-35
Serial Nos 22, 26

Previous References
Mel 135-26-Sls 1-3
Mel 81-31 Sls 1-2

Later References
Mel 154-35-Sls-?
Mund 154-35-28
ff 115-35-?
Mel 39-47(77,108)

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2 ✓

Part B for June 1936

SUBJECT

Ownership of Dharmambudhi and Sampangi tank beds in Bangalore city

The Municipal Commissioner
Bangalore city

No d 9175 dated 1-1

States that the tank beds do not remain vested in the Municipal Council when the tanks have ceased to be as such & that the claim of the Govt cannot be accepted

1/11
15/6/36

Ownership of Dharmambudhi and Sampangi Tanks

4940
2

General and Revenue Secretariat | Ml File No 154 of 1935 | [App I III—2

Serial No	
22	Letter No C3-2606/34-35 dated 24-4-36 from the Municipal Commissioner, Bangalore city forwarding the resolution of the Municipal Council that the control over the Dharmambudhi and Sampangi tanks should continue to vest in the Municipality as hitherto, for reasons given
R x	Reference is invited to paras 11 x and 12 of the Notes in file Ml 154-35 (1-5) and paras 1 to 6 in file Ml 154-35 (8-9) on the subject-
Q ②	Now that the Municipal Council have taken objection to the control over the tanks being vested in Govt action will have perhaps to be taken for resuming them under Section 53 (3) of the city Municipalities Regulation
	Submitted for orders with references
	30/4 Chief Secy)

1 MAY 1936
8506

2/5/36

NOTE—Contn Sheet

WD 03 94—GPB—30 000—1373

Ownership of Sampige tanks and Dhoramakkalu tanks vs. Bangalore city

6893/35

M2 File No 154 of 193 5

General and Revenue Secretariat

(and Memo to the Municipal Commr)

Draft notification submitted for consideration. The Law Section may perhaps be consulted whether the notification is in order -

Rem my 6/5

Chf Secy

ASR 8/5

Law Section

9-5-36

ASR 9/5

CHIEF SECRETARY'S OFFICE

8 MAY 1936

One consequence of the notification proposed is ~~to~~ That Govt will have admitted that the tanks in question under the Govt vest in the M.C.C. ever after they cease to be tanks once this is admitted, the M.C. may raise claims to compensation or refuse for resumption or insist on Govt determining terms on which the resumption is to be made Sec 53(3) enables Govt to resume the property "on such terms as the Govt may determine" It is possible to interpret this "may" as having the force of "shall", so as to oblige Govt to fix beforehand the terms on which they are going to resume the property The discretion of determining the terms

Ownership of Dharmambudhi and Sampangi Tanks 6853/F 3

General and Revenue Secretariat | File No | of 193 | [App F III—2

Serial No

271
Laws
RtPR
MR
9/5

is no doubt that of the Govt, but it may be urged that this discretion ought ~~not to be arbitrary but must be exercised~~ to be exercised in a reasonable manner and not arbitrarily I therefore doubt if a notification merely resuming the property without ~~to~~ indicating the terms would be in order —

(Chief Secy) MR 9/5/36

CHIEF SECRETARY
9 MAY 1936

I think a letter may be sent stating that the Tanks have reverted to Govt as they have ceased to be used as such A draft is put up Rule 53 (3) may be resorted to ultimately if necessary Even then no compensation need be paid except for improvements, if any, & it is proposed to pay for the improvements effected by the Municipality on the Sampangi Tank

(Chief Secretary) C 1/5/36
Kindly see orders recorded in Letters of 13/7/35 & 16/3/36
2nd member 4/5/36

C 1/5

OFFICE OF THE SECOND MEMBER OF COUNCIL
1 MAY 1936
No. 5944 —

Secy's note of 29/4/36 & 30/4/36 to file 551-29 of 1932 is put up K 29/5

NOTE.—Contn Sheet

WD 03 91—GPB—80 000—18-7-35

File No of 193

General and Revenue
Secretariat

GRS III—3]

4942 1893 5

Routine Notes

§ 436)

[To be used only for notes requisitions etc not intended for permanent record]

Please see file
MR 135-26(1-3) which
seems to be the connected
file It will be seen
from the notes that the
question of the ownership
of the bed of Jakkarayanakere
tank has been discussed
on debate-

Proctor Pur W(e)

Rmr
28/5 MV/MP

In the file put
up the question
has been discussed
but the ownership
of the [illegible] tank
has not been finally
Rev Br may perhaps
be consulted if any
order has been
issued on the matter
& if so to put up
the file

See Rev Br W.C.
28/5 [illegible]

MSS
Subs with Lr No 557-29 of 1926 Collr
reference NB Sub Collr is seen with
from which the notes must be copied finally
what the question of ownership of the tank
has not yet been finally decided
which give legal opinion on page 135-26
[illegible] (Pur Br W/e)
29/5

The Under Secy Proctor
Br Mr Rao's order
seems to have been
passed sometime
back to the effect that
that beds of tanks
in Bangalore City
not used as tanks
but in Gardens &c
not in the Municipality
The order seems to
have been passed
in connection with
the construction
of buildings on
some tank bed near
the Reg Office

Sub A S G & Rev
Branches may
be requested to
put up the file
connected with the
order

The Supt A S G Br W
See 28/5 28/5
25/5/26
Superintendent

Subs with the file
See 29/5

6

(R S 42]

UNOFFICIAL No

GENERAL AND REVENUE SECRETARIAT

TO THE OF THE

DEPARTMENT

The paper noted below received on the from the Department with its unofficial No dated , are herewith returned

SUBJECT

GPB—2,500—6 3 07

7

Serial No

Sub? with regd to the proposal contained in the 2nd
Memorandum
The fact is Jakkarayanakere in Bangalore
city is put up The question was whether the
tank bed belonged to the Municipality or the
Govt The ultimate decision was that
the grant of a portion of the site for building
to a private person may be approved
as he had proceeded with the work
(No other reference file is traceable)
Chief Secretary)
Dated regd is marked B/page 6 & 7 of the notes in this file
Mem putting the draft as revised in the appdx
2nd Secretary

30 5-36

3/6

3/6/36

May Issue

L S.G)

Issue
4/6

26 To Municipal Commrs, Bangalore city
No L 9175 dated 6-1-36
States that the beds of tanks do not remain
vested in the Govt when the tanks have ceased
to be as such & that the claim of the Govt
cannot be accepted.

OFFICE OF THE SECOND MEMBER OF COUNCIL
31 MAY 1936
NO 9373

7e A

NOTE—Contn Sheet

B
10/6

WD 03 94—GPB—80 000—18-7-35

File No of 193

General and Revenue Secretariat

4940

L 9

City Municipal Office

No C3-2606/34-35 *Bangalore, dated* 24th April 1936

Enc 1

MF 154-35-22

From

M SESHADRI ESQ M A
Municipal Commissioner
Bangalore City

CHIEF SECRETARY
27 APR 1936

A V Ramanathan, Esq , B A ,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore
Bangalore

Sir,

I have the honour to say that your letter No L 7115/M1 154-35-9 dated 16-3-36 regarding the Dharmambudi and Sampige tanks, was placed before the Council at their meeting held on the 4th instant I am submitting herewith, for favour of orders, a copy of the resolution adopted by the Council on this subject

I have the honour to be,
Sir,
Your most obedient servant

M Seshadri
Municipal Commissioner

PSK

Forwarded with Compliments

Honorary President

I [illegible]

[illegible] 12 [illegible]

[illegible]

[illegible]

r e s e n t.

[illegible] Honourable C. Parthasarathy,
Honorary President.

Councillors.

Nominees.

1. [illegible] Venkatasamy
2. [illegible]
3. [illegible]
4. Ramalal Tiwari.
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. [illegible]

Elected.

12. [illegible]
13. [illegible]
14. [illegible]
15. C. Parthasarathy.
16. [illegible]
17. [illegible]
18. [illegible]
19. [illegible]
20. [illegible]
21. [illegible]
22. Muzaffar Hasan.
23. [illegible]

b s e n t.

Nominees.

1. [illegible]
2. [illegible]
3. [illegible]

Elected.

4. [illegible]
5. [illegible]
6. [illegible]

Subject No 26

Letter No L 7115/M1 154-35-9 dated 16th March 1936 from the

the Chief Secretary to Government that the aspect that the tanks in Bangalore City vest in the Municipal Council in the absence of their being reserved by Government, was considered by Government before they came to the decision that the tanks in question belong to Government

After a lengthy discussion on the subject, the following resolutions were moved by Mr C Hayavadana Rao

1) This Council expresses its extreme and unanimous regret that it is wholly unable to agree with the view enunciated by Government in the matter of the control over the tanks existing in the City, the more so as it is entirely against the provisions of Section 53(2) of the Regulation under which the original vesting took place, to the actual control the Municipality has exercised during the long period over them until the present order was issued by Government, to the fact that they have been actually vested in the Municipality during the said long period under the Section referred to

2) This Council is further of opinion that there is nothing in the letter under consideration that Government have any evidence to support the position advanced by them in it

3) This Council accordingly urges strongly on Government the view that in the interest of sanitation, convenience of City administration and the advantages the tanks in the City have so far secured from the Municipality, both in the matter of their upkeep and use in the public interest involving large financial outlay from time to time on them, the control over them should continue, under the said section, to vest in the Municipality as hitherto

This was put to vote and carried unanimously

Sd B K Garudachar
Honorary President

C O P Y

PSK

Municipal Commissioner

26/4

L 9175d6 6.36

12

Jme 154-35-26

To

The Municipal Commissioner,
City Municipal Council,
Bangalore City

Subject - Dharmambudi and Sampige tanks

Sir,

With reference to correspondence ending with your letter No C 3-2606/34-35 dated 24th April 1936, I am directed to state that the beds of tanks do not remain vested in the Municipal Council when the tanks have ceased to be used as such The claim of the Municipal Council to exercise control over the beds of these ~~s~~ tanks cannot be accepted

I have, etc ,

3-6 36

Chief Secretary ~~to Government~~